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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,256	11/26/2003	Yoshihisa Ura	8215.135	6135

7590 08/30/2005

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EXAMINER

LU, JIPING

ART UNIT PAPER NUMBER

3749

DATE MAILED: 08/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/721,256	URA ET AL.	
	Examiner	Art Unit	
	Jiping Lu	3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 17 is/are rejected.
- 7) ☒ Claim(s) 3 and 5-16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
3. Claims 1-2 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moon et al. (U. S. Pat. 5,761,824) in view of Secker (U. S. Pat. 3,997,817).

Moon et al. teaches a moisturizing hairdressing apparatus comprising an applicator head 10 for generating and impinging steam and negative ions and having a downwardly slanting liquid reservoir formed by ring 34; and handpiece 12 movably attached to unit 10 having an operating unit with switch 18, a control panel (displaying the operating status-such as on/off-corresponding to the position of switch 18), and a heater, such that switch 18 activates the heater and provides heated air to unit 10 such that a combination of steam and ions are generated and

Art Unit: 3749

injected. Note column 4, lines 15-53 and Figures 1 and 3. Regard claims 1, 2 and 17, Moon et al. does not teach a device having the operating options claimed. However, applicant is reminded that functional language is given little patentable weight beyond the recitation of structure to carry out the function. As the device taught by Moon et al. has switching mechanism 18, it is determined that this meets the claimed structure limitations. However, Moon et al. do not show the negative ion injecting unit generating negative ions by applying high voltage to a pin member. Secker teaches a negative ion injecting unit generating negative ions by applying high voltage 10 to a pin member 12 (col. 2, lines 1-15) same as claimed. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the negative ion injecting unit with pin member of Secker for the negative ion injecting unit of Moon et al. in order to rise the local ionization of the atmosphere around the discharge point.

4. Claims 1-2 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohmura (U. S. Pat. 6,923,794) in view of Secker (U. S. Pat. 3,997,817).

Ohmura teaches a moisturizing skin care apparatus comprising a main unit 1 for generating steam, a handpiece 61 movably attached to the main unit 1, a steam injecting unit 51 for injecting steam supplied by the main unit, a negative ion injecting unit 53 for injecting negative ions, a control circuit 6 and a switching mechanism 58 which are arranged same as claimed. The skincare apparatus can be used to moisturize hair. Regard claims 1, 2 and 17, Ohmura does not teach a device having the operating options claimed. However, applicant is reminded that functional language is given little patentable weight beyond the recitation of structure to carry out the function. As the device taught by Ohmura has switching mechanism 58,

it is determined that this meets the claimed structure limitations. However, Ohmura do not show the negative ion injecting unit generating negative ions by applying high voltage to a pin member. Secker teaches a negative ion injecting unit generating negative ions by applying high voltage 10 to a pin member 12 (col. 2, lines 1-15) same as claimed. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the negative ion injecting unit with pin member of Secker for the negative ion injecting unit 54 of Ohmura in order to rise the local ionization of the atmosphere around the discharge point.

Allowable Subject Matter

5. Claims 3, 5-16 are allowed.

Response to Arguments

6. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

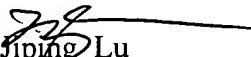
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jiping Lu whose telephone number is 571 272 4878. The examiner can normally be reached on Monday-Friday, 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on 571 272-4877. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jiping Lu
Primary Examiner
Art Unit 3749

J. L.